

Wednesday, 2 October 1946

INTERNATIONAL MILITARY TRIBUNAL
FOR THE FAR EAST
Chambers of the Tribunal
War Ministry Building
Tokyo, Japan

PROCEEDINGS IN CHAMBERS

Further hearing on Paper No. 423 - Application
on behalf of the Prosecution for an exemption from
Rule 6(b)(1), in regard to IPS Documents Nos. 2457,
2527 and others.

Before:

HON. SIR WILLIAM WEBB,
President of the Tribunal and
Member from the Commonwealth
of Australia.

Reported by:

Julian Wolf
Official Court Reporter
IMTAFE

Appearances:

For the Prosecution Section:

GENERAL S.A. GOLUNSKY
MAJOR ALEX PASHCOVSKI
MR. S. HORWITZ
MR. V. TADEVOSSIAN
MR. V. KAPLAN

For the Defense Section:

MR. WILLIAM LOGAN, JR., Counsel for the
Accused KIDO, Koichi
MR. LAWRENCE P. McMANUS, Counsel for the
Accused ARAKI, Sadao
MR. MICHAEL LEVIN, Counsel for the
Accused SUZUKI, Teiichi
MR. KIYOSÉ, Ichiro, Counsel for the
Accused TOJO, Hideki
MR. OKAMOTO, Toshio, Counsel for the
Accused MINAMI, Jiro
MR. G. F. BLEWETT, Counsel for the
Accused TOJO, Hideki

For the Office of the General Secretary, IMTIE

MR. C. A. MANTZ, Clerk of the Court
MR. H. W. DELANEY, Deputy Clerk of
the Court

The proceeding was begun at 0900.

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THE PRESIDENT: This is the adjourned summons, is it not? What was left General Golunsky?

MR. GOLUNSKY: Perhaps Mr. Logan can tell you what the defense wishes.

MR. LOGAN: The first one, your Honor, is 2459. In this the prosecution wants to produce the cover of a pamphlet entitled, "Thailand," being one of the series of "Southward movement." We do not want any excerpts from that, of course, but I do not think this would be the proper place to object to that particular cover. We do not think any objection would be raised at this time. We think it would be at that time when it is offered in evidence in the trial as to whether or not the author of the book would be responsible for the cover.

THE PRESIDENT: I make no order in respect of that item.

MR. LOGAN: 1753; we have not been able to find the original of that file in the office of the Secretary, so we cannot pass on that.

THE PRESIDENT: All right; that will have to stand until you have a chance to see it.

MR. GOLUNSKY: We have the process in full,

therefore, we can take it out from this.

THE PRESIDENT: What of the order in respect of that?

MR. GOLUNSKY: To which one?

THE PRESIDENT: Will you give the copy --

MR. GOLUNSKY: We will give the defense the whole document.

MR. LOGAN: 4122; no additional excerpt required.

THE PRESIDENT: Yes.

MR. LOGAN: 2627; that is a pamphlet claimed to be edited by the accused ARAKI. We would like to have at least from page 26 to the first line on page 30, additional excerpts, otherwise the intention of the author may be distorted.

MR. McMANUS: If the entire pamphlet in English -- I wonder if I may inquire now if it has been translated into English. I would like to get a copy of it, if your Honor please.

MR. GOLUNSKY: Read it?

MR. KAPLAN: There are three hundred pages in the volume.

MR. McMANUS: May I request that I get a translation of those four pages.

MR. KAPLAN: It has been translated and

processed, your Honor. Everything is o.k. with this document.

MR. McMANUS: In English.

MR. GOLUNSKY: The whole is in --

MR. KAPLAN: I mean the pages of the excerpts.

MR. LOGAN: This is an additional excerpt, pages 26 to 30.

MR. GOLUNSKY: (To Mr. Kaplan) They want from 26 to 30, four pages.

MR. KAPLAN: I see.

THE PRESIDENT: Any objection, gentlemen?

MR. GOLUNSKY: We have tried. The only possible objection is that we won't have time to process those pages in time, but we will endeavor all we can to do it. If we can't we will serve it on defense later.

THE PRESIDENT: If you intend to give it to them at sometime or other; well, I will make the order for that.

MR. LOGAN: No. 13; no additional excerpt requested.

1622; no additional excerpts.

2402; that is in the same category as this 2459. It is a cover of a book and perhaps the place

to object to that would be when it is offered in evidence in Court.

THE PRESIDENT: No order.

MR. LOGAN: 1621; that falls into the same category as the other two. It is the cover of a book.

1355; --

THE PRESIDENT: The excerpt bears three pages. No order in respect of that.

MR. LOGAN: 1355; this is a short remark of the president of the institution given to the students appearing on page three and four should be included as an additional excerpt. Also, the outline of exercises of 17 Showa on page 7. In other words, the meaning of the import of the excerpt offered by the prosecution would be misunderstood.

MR. GOLUNSKY: You want the addition in after the excerpts?

MR. LOGAN: Yes. It is 1355; very few pages of 1355.

THE PRESIDENT: Order in respect of 1355 for how many additional pages? What pages are there; you have got the numbers?

MR. LOGAN: Page 3 and 4, and outline and exercise of 17 Showa on page 7; that is 3 pages.

MR. GOLUNSKY: I am surprised. It would be

the same thing as with the previous one. We will try to do it, but I do not know if we can do it in time --

MR. LOGAN: 1046; we could not find that.

MR. GOLUNSKY: (Continuing) -- because we have processed the whole of it.

MR. LOGAN: You have processed the whole of 1046?

THE PRESIDENT: All right, we make an order for that.

MR. LOGAN: 1285.

MR. GOLUNSKY: The same thing.

MR. LOGAN: 590; no objections.

1210; no additional excerpts.

823; no objection.

1461; no objection.

1505; that is all right.

2550; no excerpts.

2419; that is a letter from the accused SHIRATORI, then Minister in Stockholm, to ARITA, Minister in Belgium. The whole letter should be reproduced and served, otherwise the intent and import of this letter would be misconstrued.

THE PRESIDENT: That is sixteen pages and the prosecution is offering two.

MR. GOLUNSKY: We are offering the ones which have a bearing on our phase. The rest deals with other matters which have nothing to do with our phase of the case. That is why we did not process them. They will come in another phase.

THE PRESIDENT: But, that is in fairness to them, a whole lot should be produced.

MR. GOLUNSKY: I do not object.

THE PRESIDENT: Ordered accordingly.

MR. LOGAN: No other, that covers them all.

MR. GOLUNSKY: That covers them all.

THE PRESIDENT: Is that the end of the business? Is that the end of the business Mr. Mantz?

MR. MANTZ: That is all, sir.

MR. GOLUNSKY: 608, there is the document 608; this one (indicating).

MR. LOGAN: I did not see that in this list.

MR. GOLUNSKY: Didn't you see it?

MR. LOGAN: No. Is that the next one?

MR. GOLUNSKY: No sir, it is an additional motion.

MR. LOGAN: I see, that is in Japanese. Suppose we leave that in abeyance, your Honor, and then we can agree on it later? It is an additional motion and we have not had a chance to examine it yet.

MR. GOLUNSKY: We want to cite three paragraphs; one page.

MR. LOGAN: Suppose we have an opportunity to examine it.

THE PRESIDENT: Yes. Decide it later, then we can agree on it.

(Whereupon, at 0908, the proceeding was concluded.)

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